

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JAMES E. MILLER, JR.,**

**Plaintiff,**

**v.**

**MADISON COUNTY JAIL, et al.,**

**Defendants.**

**Case No. 07-cv-154-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is Plaintiff's Renewed Motion for Leave to Appeal In Forma Pauperis ("IFP") (Doc. 54). On January 26, 2010, the Court issued an Order (Doc. 53), which denied without prejudice Plaintiff's initial Motion for Leave to Appeal IFP (Doc. 52). As instructed by the Seventh Circuit and then by this Court, Plaintiff was to include with his IFP Motion:

File a motion to proceed on appeal in forma pauperis with the District Court, along with **a certified copy of your prison trust account statement for the six (6) month period preceding the filing of the notice of appeal**, if you have not already done so. An original and three (3) copies of that motion, with proof of service on your opponent, is required. This motion must be supported by a sworn affidavit in the form prescribed by **Form 4 of the Appendix of Forms to the Federal Rules of Appellate Procedure (as amended 12/01/98)**, listing the assets and income of the appellant(s).

(Doc. 53) (emphasis added).

Plaintiff's instant Motion (Doc. 54), seeks to renew his prior IFP motion

(Doc. 2) granted at the inception of this case, which was to proceed IFP during trial court proceedings (as opposed to appellate proceedings thereafter). It is improper for Plaintiff to do this. He must attach a **current** copy of his account statement for the six months prior to filing his notice of appeal. The account statement attached to his very first IFP motion was from approximately three years ago. Further, Plaintiff has failed to use the Form 4 affidavit in his renewed Motion, but includes something that appears to be utilized by Illinois state courts instead. In his renewed Motion, Plaintiff states he has a deadline of 2/16/2010 to file a "PLRA fee/Mot/Memo" (Doc. 54, p. 2). Therefore, he apparently has tried to expedite things here at trial level for getting his IFP leave to appeal granted. However, Plaintiff's own failure to yet again comply with the necessary requirements has thwarted any efforts to expedite procedures. Thus, Plaintiff's Renewed Motion for Leave to Appeal In Forma Pauperis ("IFP") (Doc. 54) is **DENIED**. He may attempt to now request leave to appeal IFP directly with the Seventh Circuit as well as file the necessary motions/memorandums with the appellate court as well (*see* Doc. 51).

**IT IS SO ORDERED.**

Signed this 1st day of February, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**